From: Ian Mander
To: Microsoft ATR
Date: 11/23/01 7:57pm
Subject: Refurbished Macs

The settlement appears to be either badly worded or have little thought for alternative computing platforms.

From pages 23-24 of the settlement:

>5. Refurbished Computers. Microsoft will establish a Microsoft Authorized Refurbisher program. Under this program non-profit refurbishers who meet reasonable criteria established by Microsoft for business standards and practices will be encouraged to refurbish Macintosh computers and personal computers for use in this program. Microsoft will provide such refurbishers with licenses and/or software for Microsoft operating systems (Windows 98 SE or more recent as machine specifications permit) installed on refurbished personal computers.

Why are Macintosh computers even mentioned? Microsoft does not need to provide software for them under this clause (not even Office for Mac) because Macs do not run a Microsoft operating system (unless they are running Virtual PC or similar to emulate a PC).

Also, Macintosh computers ARE personal computers. However, they are not Wintel-based PCs.

>Microsoft will administer the program and bear the costs of administration. As part of this program Microsoft will guarantee that a total of at least 200,000 computers, consisting of Macintosh computers or Pentium-class personal computers or better, will be available to Eligible Schools for each year of the Settlement Period at ordinary fees charged by such Refurbishers.

Can we take this to mean that Microsoft is expected to pay for refurbishers to refurbish Macs, without any Microsoft software? Since there is no proportion specified of the 200,000 computers per year that should be Macs, why should Microsoft think they should pay for any? After all, as written it is Microsoft that decides which non-profit refurbishers meet Microsoft's criteria for business practices. So again, why are Macintosh computers even mentioned? It seems a token effort that falls well short of what is needed to properly address Microsoft's strong monopoly position in many areas.

>Each such computer will include a color monitor, Ethernet card, speakers, keyboard and pointing device, necessary cables, 56K modem and CD ROM drive.

Macs do not generally need an Ethernet card - it is built in. Macs also often do not need external speakers.

>The minimum specifications adopted each year will include but not be limited to processor speed, RAM and storage capacity, and will not be below a level sufficient to run at reasonable performance levels, for school use, Windows 98 SE and the application programs to be donated pursuant to Paragraph IV.6 herein.

Of course, this paragraph excludes ALL Macs from being included in the scheme unless they are running Virtual PC or similar.

Yours faithfully,
Ian Mander, BSc.